

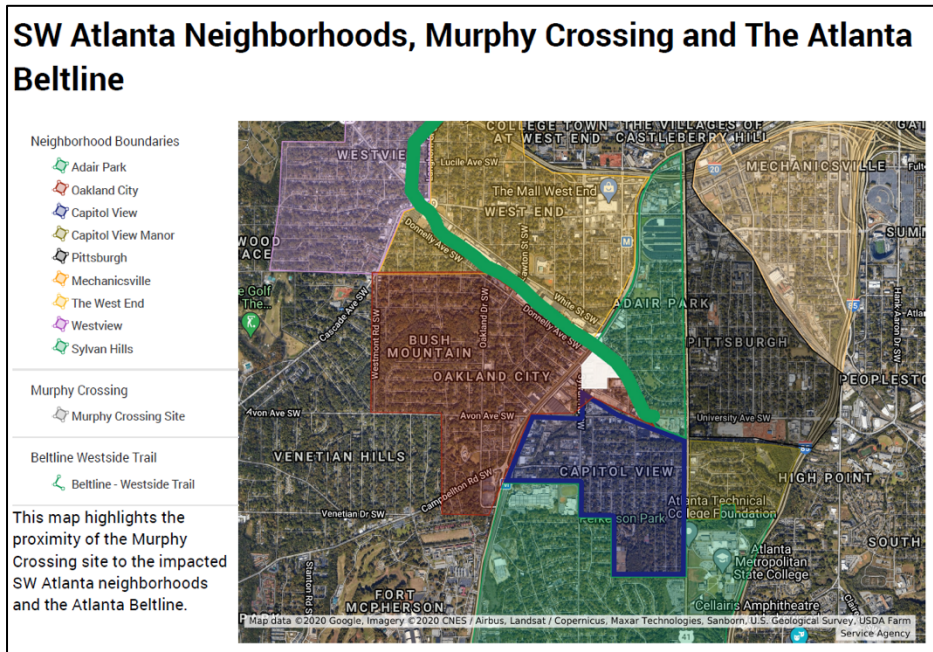
Murphy Crossroads

A Community Responds to Redevelopment

Origins

Murphy Crossing is a 20+ acre site at the intersection of Sylvan and Murphy streets in Southwest Atlanta, currently owned by the City of Atlanta and controlled by the Atlanta BeltLine, Inc (ABI). ABI will soon issue a Request for Proposal (RFP) to redevelop this site. This is the second time ABI has attempted to sell the property, with the first failing in large part due to poor community engagement. In this second attempt, they have committed to improving engagement.

The Murphy Crossing Coalition (MCC) is a group of Southwest Atlanta residents formed to help determine and amplify the needs and desires of adjacent Murphy Crossing neighborhoods. Although the property is officially in Oakland City, its development will also strongly impact the neighborhoods of Adair Park, Bush Mountain, Capitol View, Venetian Hills, Pittsburgh, Sylvan Hills, West End, and others in the 30310 and 30311 ZIP codes.



MCC consists of representatives from these neighborhoods and NPOs to help communication between the neighborhoods and ABI regarding ABI's latest redevelopment effort.

Murphy Crossing Coalition Goals & Purpose

- 1) To **represent the collective will and sentiments of the community surrounding the Murphy Crossing Site** to all outside parties – including, but not limited to Atlanta BeltLine, Inc., Invest Atlanta, neighborhood leaders, interested developers, etc.;
- 2) To **influence the values and outcomes expressed in the second RFP** offering for the Murphy Crossing Site, and monitor its progress through final award;
- 3) To **facilitate the establishment of a Community Benefits Agreement (CBA)** between the Murphy Crossing developer and an organization to reflect the interests of the surrounding community.

MCC's website with additional information is here: MurphyCoalition.com.

Community Survey

By late August 2020, ABI had yet to show signs of engaging the community regarding the RFP set for release in October. The MCC stepped in with a comprehensive survey covering preferences and concerns around development issues. By October, the survey had received over 1,000 responses—85% of which were from the impacted area (fig 1). Resulting answers to the quantitative and qualitative questions were analyzed and posted publicly in a custom spreadsheet

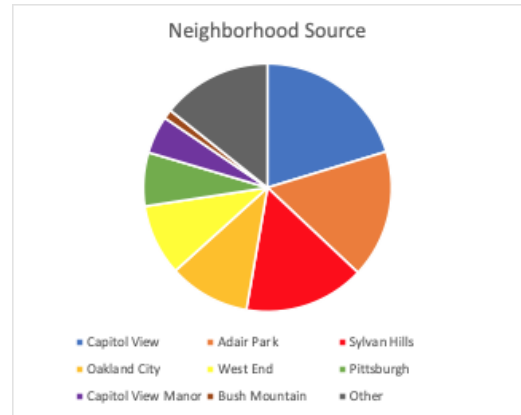


Figure 1

Land Use and Amenities

The survey results indicate a desire for Murphy Crossing to be developed as a **neighborhood-scale commercial and retail hub**, with an emphasis on **outdoor living, localism, and walkability** (Figs 2, 3). Restaurants, outdoor spaces, and retail scored high on questions about land use and amenities; office, industrial, and residential uses scored negatively, particularly hotels.

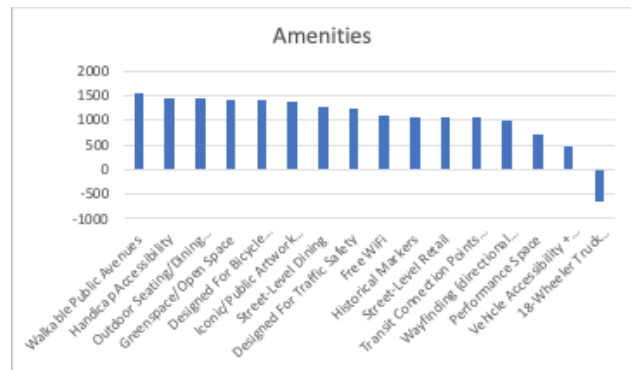


Figure 2

Questions delving into density, retail, dining, and grocery preferences similarly showed a preference for a **less dense, smaller-scale, human experience** – farmer's markets and small grocers, not chains; budget restaurants and food halls, not fast food; local businesses and vendor's spaces, not big-box stores.

Community Benefit

When asked whether a Community Benefits Agreement should be pursued, the response was **overwhelmingly positive**: 86% of the respondents expressed a desire for a CBA. Qualitative answers reflected fears that the new development would not benefit local and legacy residents, but instead would be for wealthier outsiders.

Interestingly, when asked to rate which of twenty-three issues should be central to a CBA (Fig 4), respondents appeared to focus on **architecture and design** over social and economic issues. The highest-scoring three issues were **adaptable street grids, building preservation, and repurposable design**.

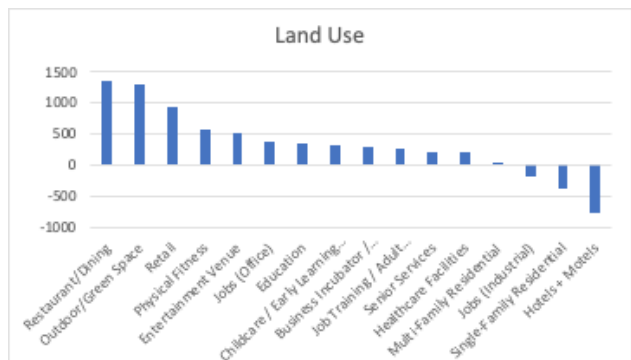


Figure 3

The next highest-rated issues centered on inclusion, opportunity, and access: local hiring, community representation, and local and minority business ownership.

Issues affecting marginalized and low-income groups, such as affordable and supportive housing, job training programs, homelessness, and recidivism prevention, were in the bottom half of concerns for survey respondents. However, all issues scored positively – just some more positively than others.

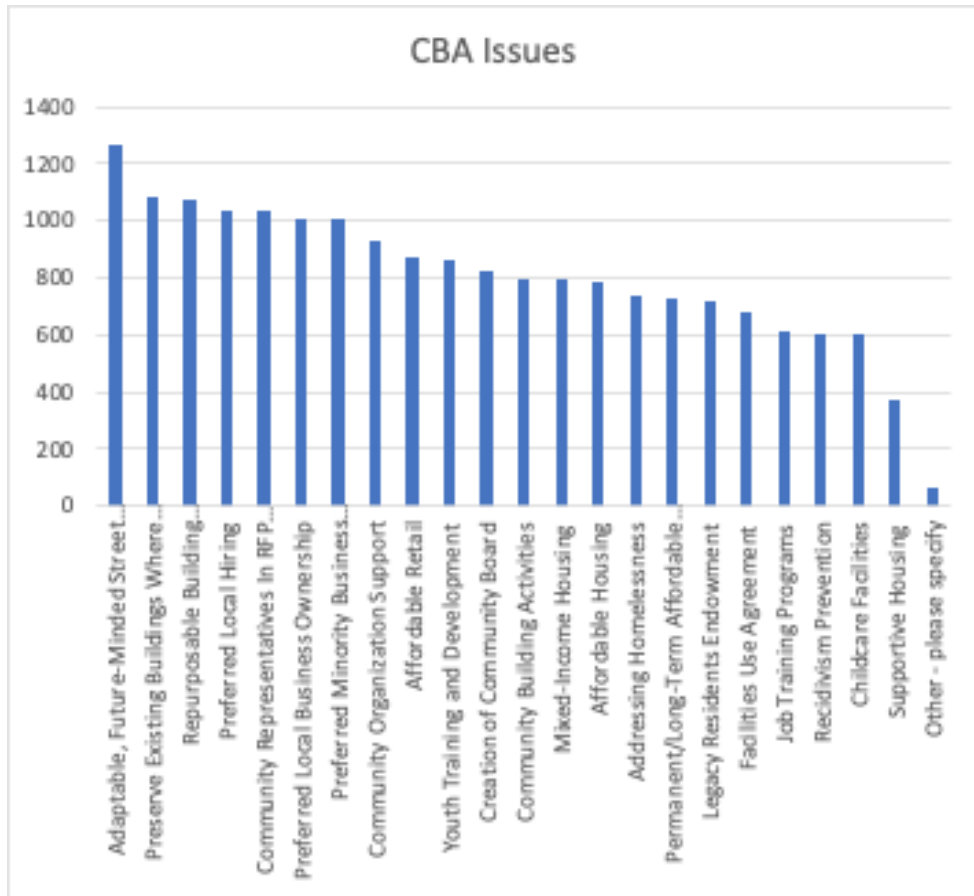


Figure 4

The full report of the survey results, including methodology and question-by-question results, is posted at [2020 Murphy Crossing Coalition Survey Results](#).

Recommendations

Zoning, Land Use, and Amenities

- Survey results indicate enthusiasm for **dining, greenspace, and retail**. Combined with a strong preference for **low-rise to mid-rise form** factor and high scores around issues of **walkability, outdoor seating, and bicycle access**, a vision emerges of a **mid-density, mixed-use urban environment**.
- **Building heights should be capped at 75 feet or under**. This keeps in line with the requirements from the CDP on transitional height planes:
 - “No portion of any structure shall protrude through a height limiting plane beginning the specified number of feet above the point set forth in subsection 16-16.006(2)(b) below

and extending inward over the I-1 district at an angle of 45 degrees. The following districts shall be considered "protected districts" for purposes of this section 16-16.006(2):

- i. R-1 through R-5;
 - ii. RG-1 and RG-2;
 - iii. MR-1, MR-2, and MR-MU; and
 - iv. Landmark, Historic, PD, and SPI districts and district subareas having uses and densities predominantly similar to those permitted in the district classifications listed in subsections (i) through (iii) above.”
- This vision is reinforced by a preference for **farmer’s markets** over supermarkets and **local businesses and vendor spaces** over big-box retail. Given high support for preserving existing buildings, we recommend **reusing or recreating the original state Farmer’s Market space for local vendors.**

Housing

- Even with only mild support for multifamily residential use, **single-family residential use scored negatively**, further emphasizing the desire for urban forms.
- Residents showed regard for housing affordability, but those concerns are balanced by the specter of low-income housing creating a concentration of poverty in an area that is already economically stressed. The survey shows support for **mixed-income housing** over affordable housing. **Below-market units should have a range of unit sizes (not just studios) and equal access to all amenities.**
- Affordability shouldn’t be in name only; affordable units should target residents earning **30-60% of area median income.**

Transportation and Safety

- The community is in support of **multimodality**. Currently, pedestrian and bicycle transportation is inconvenient and hazardous in the area; Murphy Crossing is well suited to help, located as it is between two MARTA stations and next to the BeltLine. The community has shown strong support for **walkability, bicycle access and infrastructure, and transit connection points over car-centric amenities such as parking.**
- Modes of transportation should be supplemented with **transit along the BeltLine trail** and an **infill MARTA station** between Oakland City and West End (as recommended by the Subarea 2 Transportation Plan).

Economic Development and Community Involvement

- The community wants equity and opportunity, not handouts and paternalism. There should be **voting representation in the RFP process from within the community**, not simply advisory input.
- **The RFP must include a commitment to negotiating a Community Benefits Agreement as a bid requirement.** The community unambiguously prefers legally robust, concrete benefits over unenforceable, well-intentioned promises.
- **Developers must be able to solicit input and feedback from the community in the period between the issuance of the RFP and the submission of bids.** ABI’s current interpretation of the “cone of silence” is an unnecessary barrier to civic participation.

- The community is acutely sensitive to development occurring without their knowledge or consultation. Once a developer has been selected, they need to aggressively engage with the community over multiple channels and **create a Community Engagement Committee** to keep communication channels open and active.
- There should be a wide **mix of business types and sizes** creating a **broad range of available jobs**, instead of fewer, larger “anchor” businesses or industries.
- **Hiring needs to draw from the local community, both during and after construction.** Similarly, business leasing needs to **affirmatively seek local and minority-owned businesses.**

Challenges and Conclusions

Addressing public input in a development often presents challenges, primarily because public policy requires a constant balancing of tradeoffs.

These conflicts are apparent in the survey results:

- Respondents are opposed to the idea of tall buildings, but like the idea of transit and jobs.
- Respondents want business to bring money and people into the community, but are afraid of the existing neighborhood being absorbed by new money and new residents.
- Industrial jobs are negatively viewed by respondents – industrial means big, lumbering trucks ruining roads, irresponsible disposal of hazardous waste, and unattractive, dirty materials stored in visible heaps.

Nobody feels that the *current* status of Murphy Crossing benefits the community; but fear speaks louder than hope. It’s up to all of us to find the solutions that work well enough for everyone, and – most crucially – to make sure the community is involved, engaged, and informed.

Project Timeline

- Atlanta BeltLine SW Study Group Public Meetings:
 - November 16th
- Release of the RFP – estimated December 2020
- Award of the RFP – Spring 2021

Contact Information

J. Lawrence Miller, President, Adair Park Today – President@AdairPark.com

Mr. Iva Williams, President, Capitol View Neighborhood Association – President@CapitolView.org

Ms. Judy Walker, President, Oakland City Neighborhood Organization – OCCOAtl@gmail.com

Appendix

Survey Questions

Q1: In which neighborhood do you live? *

- Adair Park
- Capitol View
- Oakland City
- Sylvan Hills
- Other (Please S
- Bush Mountain
- Capitol View Manor
- Pittsburgh
- West End

Q2: State your land use preferences for the site:

	Absolutely Not	Prefer Not	Neutral	Want	Absolutely Want
Jobs (Industrial)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Single-Family Residential	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Job Training / Adult Education	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Retail	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Physical Fitness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Healthcare Facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Business Incubator / Accelerator / Coworking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Entertainment Venue	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jobs (Office)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Senior Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Multi-Family Residential	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Outdoor/Green Space	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Education	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restaurant/Dining	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hotels + Motels	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Childcare / Early Learning Center	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q2a: Do you have any other land use suggestions for the site?

Q3: State your preferences for building height/density:

	Absolutely Not	Prefer Not	Neutral	Want	Absolutely Want
High Rise (10+ stories)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mid Rise (4-9 stories)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low Rise (1-3 stories)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q4: State your preferences for amenities on the site:

	Absolutely Not	Prefer Not	Neutral	Want	Absolutely Want
Transit Connection Points (bus shelters, drop-off points, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Free WiFi	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Street-Level Dining	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Designed For Traffic Safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Outdoor Seating/Dining Area	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Designed For Bicycle Access (trails and parking/storage facilities)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Greenspace/Open Space	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Performance Space	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Walkable Public Avenues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Wayfinding (directional signs, maps, etc)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Vehicle Accessibility + Parking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Iconic/ Public Artwork (murals, sculptures, etc)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Handicap Accessibility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
18-Wheeler Truck Accessibility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Street-Level Retail	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Historical Markers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Question 4a: Do you have any other suggested amenities for the site?

Q5: Arrange the following grocery options in order of preference from most desirable (1) to least desirable (5).

1: Small Neighborhood Grocery

2: Supermarket

3: Farmers Market

4: Convenience Store

5: No Grocery

Q5a: Are there any other types of grocery options you would like to see?

Q6: Arrange the following dining options in order of preference, from most desirable (1) to least desirable (8).

1: Restaurant – \$-\$\$

2: Restaurant – \$\$\$

3: Bar, Drinking Place

4: Quick Service

5: Fast Food

6: Food Trucks

7: Food Hall (e.g., Krog St. Mkt, Sweet Auburn Mkt)

8: No Dining

Q6a: Are there any other types of dining options you would like to see?

Q7: Arrange the following retail options in order of preference, from most desirable (1) to least desirable (7).

1: Big Box

2: National Brands

3: Pop-up/Short-Term Lease

4: Boutiques

5: Local, Small Businesses

6: Vendor/Indie Market Spaces

7: No Retail

Q7a: Are there any other types of retail options you would like to see?

Community Benefits Agreement

A Community Benefits Agreement or "CBA" is a contract signed by community groups and a real estate developer that requires the developer to provide specific amenities and/or mitigations to the local community or neighborhood. Site-specific community benefits agreements (CBAs) ensure that particular projects create opportunities for local workers and communities.

In some cases, the community benefits terms from a CBA may be incorporated into an agreement between the local government and the developer, such as a development agreement or lease. That arrangement gives the local government the power to enforce the community benefits terms.

Q8: Should the community pursue a Community Benefits Agreement?

- Yes
- No

Murphy Crossing Coalition Report – November 2020

Q8a: What issues should be addressed in a Community Benefits Agreement?

	Absolutely Not	Prefer Not	Neutral	Want	Absolutely Want
Affordable Housing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Permanent/Long-Term Affordable Housing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mixed-Income Housing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supportive Housing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Affordable Retail	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adaptable, Future-Minded Street Planning & Design	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Repurposable Building Design/Structure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preserve Existing Buildings Where Possible	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community Representatives In RFP Approval Process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Job Training Programs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilities Use Agreement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community Organization Support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Creation of Community Board	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recidivism Prevention	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Youth Training and Development	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Childcare Facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community Building Activities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Addressing Homelessness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legacy Residents Endowment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preferred Local Hiring	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preferred Local Business Ownership	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Preferred Minority Business Ownership	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other – please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q8b: What other issues should a Community Benefits Agreement address?

Q9: What is your greatest HOPE for the redevelopment of the site?

Q10: What is your greatest FEAR about the redevelopment of the site?

Q11: What do you LEAST desire on the site?

Do you have any further questions, comments, suggestions, or information?

[Commentary: Beltline Rail Now](#)

Transit Is Key

Murphy Crossing sits at the intersection of the BeltLine and MARTA's Red and Gold lines. It is the **only** connection point on the city's south side -- where Atlanta's most transit-dependent and lower income residents currently live -- that could link existing MARTA heavy rail to opportunities and amenities offered by the 45 neighborhoods along the BeltLine corridor.

A new infill station located on the Murphy Ave. side of the property could provide a direct connection between MARTA and the BeltLine, as well as extensions to planned Campbellton Road light rail and Clayton County commuter rail.

Preserving the possibility of these connections and prioritizing development with transit in mind is critical for the new RFP. If Atlanta doesn't plan now for Murphy to get a front door to the same first-class transit available to other parts of the city, the option to add it later simply won't exist.

Much as the shell of a MARTA station stood waiting for trains for a decade at Hartsfield-Jackson International Airport, Murphy can await future transit connections only if it is built in from the start.

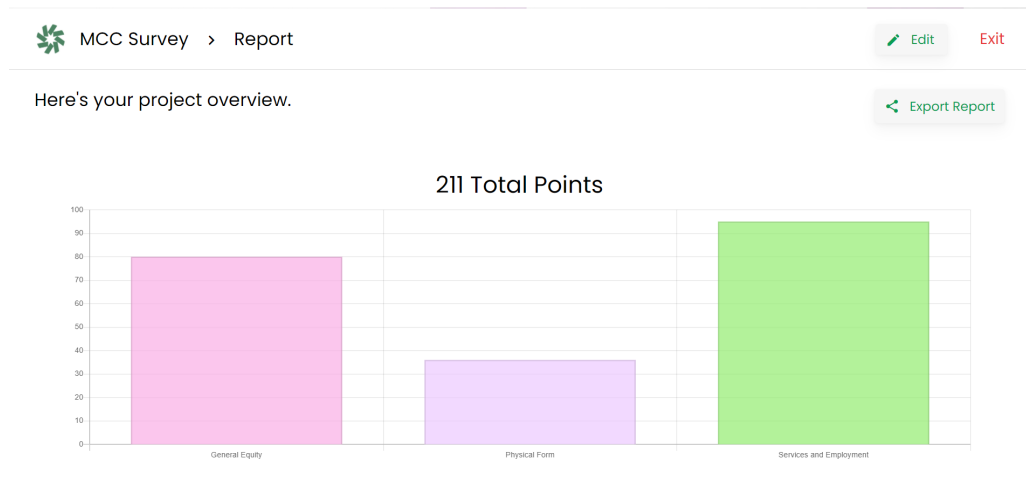
By prioritizing transit and transit-oriented development here, the negative impacts of gentrification and displacement can be minimized, preserving the character and composition of neighborhoods.

- If the city fails to prioritize transit, private development will get to decide the trajectory of who can and cannot afford to live here.
- Transit equity means connecting as many modes as possible to as many people as possible with the fewest number of transfers and barriers to access.
- Murphy should serve as a catalyst and role model for equitable development here and around the BeltLine. The City should be its champion.

Murphy is uniquely able to maximize transit-oriented development to minimize gentrification and displacement, while providing a road map for solving Atlanta’s persistent affordable housing shortages.

Equitable Evaluation Rating

The TransFormation Alliance applied their Equity Evaluator Tool to the MCC Community Survey results and presented their findings to the MCC. The MCC survey findings scored 211 points (out of a possible 300) overall. This is a good finding, but it should be explored further because the MCC survey’s topics did not map into TFA’s process completely.



Community Benefits Blueprint

A Community Benefits Agreement is an agreement between the developer and a nonprofit entity representing the affected community. The development of a CBA must involve the community at every step, from the determination of the its needs, to the outlining of principles, to the construction of a legally binding contract.

An excellent example of a successful CBA is the Nashville Major League Soccer CBA, negotiated between Nashville Soccer Holdings (NSH) and Stand Up Nashville (SUN). The signed agreement can be found at <http://mediaassets.wcpo.com/html/pdfs/MLS-CBAs/NashvilleCommunityBenefitsAgreement.pdf>.

No mere recitation of intentions, this agreement defines its terms and expressly lists the responsibilities of NSH:

“Stadium Lease and Development Ground Lease” has the meaning set forth in Substitute Resolution No. RS2017-910 as amended, approved by the Metropolitan Council on November 7, 2017, and signed by then-Mayor Megan Barry on November 8, 2017.

“SUN” refers to Stand Up Nashville, Inc., a Tennessee nonprofit corporation.

II Responsibilities of NSH

If the Stadium is built, and for a period of not less than thirty (30) years (so long as the Stadium is occupied by an MLS professional soccer team affiliated with NSH and competing in MLS soccer events)(the “Term”), NSH will implement the following provisions:

1) Community Amenities and Services:

- a) NSH will cause Developer to reserve no less than 4,000 sq. ft. within or in close proximity to the Development for a childcare location. NSH and SUN will identify an acceptable party to provide such services, in conjunction with Childcare Tennessee, and a business plan will be developed for the childcare location with assistance from Childcare Tennessee. Such business plan will address tuition (including an income-based sliding scale), operating practices, curriculum, and other relevant matters. If required, SUN will work with NSH to help procure funding for the childcare location. NSH will provide initial seed funding in an amount which combined with the procured funding will be sufficient to allow the childcare

Sets up a monitoring and enforcement framework:

III Monitoring, Timelines, and Enforcement

The Parties intend for the rights and obligations created by this Soccer CBA to be both continuing in nature and cooperative, such that both NSH and SUN actively participate and work together with due diligence and good faith in furtherance of the terms and conditions of this Soccer CBA as outlined in Section III herein (“**Community Advisory Committee Process**”).

SUN and NSH will create, or cause to be created, a six (6) person committee (the “**Community Advisory Committee**”). The Community Advisory Committee will be responsible for monitoring the Parties’ compliance with this Soccer CBA and undertaking the specific acts expressed in accordance with the terms herein. During the term of this Soccer CBA, NSH and SUN will cause the Community Advisory Committee to create an annual report detailing (1) the yearly activities undertaken pursuant to the terms of this Soccer CBA; (2) NSH’s and SUN’s on-going compliance with the terms of this Soccer CBA; and (3) recommendations, as necessary, to ensure compliance with the intent of this Soccer CBA (the “**Annual Report**”). NSH will be responsible for the cost of preparing the Annual Report. The Annual Report will be available for distribution to the general public, and the findings of each Annual Report will be presented during an annual neighborhood presentation hosted by NSH at the Stadium.

The Community Advisory Committee will be comprised of the following six members: (i) two representatives from NSH; (ii) two representatives of SUN, (iii) one resident of Promise Zone 2

Finds money to pay for it:

V Expenses/Termination

The Parties agree that (i) NSH will perform or cause to have performed the items set forth in Section II above at its expense and agrees to hold SUN and its officers, members, employees, and agents harmless from any expenses incurred by NSH with respect to the above Section II provisions and (ii) SUN will perform or cause to have performed the items set forth in Section IV above at its expense and agrees to hold the NSH and its officers, members, employees, and agents harmless from any expenses incurred by SUN with respect to the above Section IV provisions.

And declares the agreement to be binding and its clauses severable:

VI Miscellaneous

- 1) This Soccer CBA will be binding on each of the Parties hereto and their respective personal representatives, executives, agents, attorneys, principals, agents, and assigns.
- 2) The Parties agree that full and adequate consideration has been given by each Party hereto and each Party acknowledges the sufficiency and adequacy of said consideration.
- 3) The Parties acknowledge that no promise, agreement, statement or representation, whether oral or written, not herein expressed has been made to or relied upon by any one of them and that this Soccer CBA contains the entire agreement between the Parties.
- 4) If any term, provision, or clause within this Soccer CBA will be determined by a court of competent jurisdiction to be invalid, void, or unenforceable, only that particular term, provision, or clause will be nullified. The remainder of the Soccer CBA will continue to be in full force and effect.
- 5) This Soccer CBA will be governed by and construed in accordance with the internal laws of the State of Tennessee without regard to its conflict of laws provisions.

This CBA is an excellent model of the kind of outcome that will serve the community's needs.